

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICKY F. MADEWELL, S15239,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 22-cv-1860-DWD
)	
UNKNOWN CORRECTIONAL)	
OFFICERS AT PINCKNEYVILLE,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

DUGAN, District Judge:

On August 17, 2022, the Court directed Plaintiff Ricky Madewell to file an amended complaint by September 19, 2022. (Doc. 4). The Court took this action because Plaintiff attempted to initiate this litigation by filing a motion for a preliminary injunction or for a temporary restraining order without filing an underlying action. Plaintiff filed a complaint, but upon initial review the Court determined that it failed to state a claim and that it was an insufficient basis for the earlier sought injunctive relief. (Doc. 13). In both documents Plaintiff vaguely alleged that he was being starved to death, but he did not associate his allegation with any specific dates or individuals. (Docs. 1, 6).

The Court gave Plaintiff a second chance to file an amended pleading by November 30, 2022. The Court clearly warned Plaintiff that if he failed to file an amended complaint, his case would be dismissed for failure to state a claim. (Doc. 13 at 2); *see also* Fed. R. Civ. P. 41(b); *James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005) (under Rule 41(b) a court has authority to dismiss an action for failure to prosecute if a party

does not provide a timely response to a court order). Since the Order setting the November 30, 2022, deadline the Court has not received any correspondence from Plaintiff. For the reasons explained in the Court's earlier orders (Docs. 4, 13), the Court finds that Plaintiff has failed to state a valid claim under any potential legal theory against the unknown defendants. Thus, his case is subject to dismissal under 28 U.S.C. § 1915A for failure to state a claim. Plaintiff's case is now dismissed without prejudice for failure to state a claim, and for failure to prosecute. Additionally, Plaintiff's Motion for a Preliminary Injunction [1] is **DENIED** because it was never properly supported by an underlying complaint, and it does not warrant injunctive relief. The Clerk of Court is **DIRECTED** to close this case.

IT IS SO ORDERED.

Dated: January 6, 2023

The image shows a handwritten signature in black ink, which appears to read "David W. Dugan". The signature is written over a circular official seal. The seal features an eagle with spread wings, holding a shield on its chest. Above the eagle's head is a constellation of stars. The text "UNITED STATES DISTRICT COURT" is written in a circle around the top, and "SOUTHERN DISTRICT OF ILLINOIS" is written around the bottom.

DAVID W. DUGAN
United States District Judge